

Page 98	Page 100
<p>1 A. Okay.</p> <p>2 Q. Can you tell me what this is?</p> <p>3 A. This was a fertility cycle that I went through.</p> <p>4 And that I would be out for those given days but</p> <p>5 I actually wasn't out for those days. I went in</p> <p>6 and took some work home and worked from home for</p> <p>7 a few of them.</p> <p>8 Q. What were the dates of this absence?</p> <p>9 A. Well, they're saying June 20th to June 27th.</p> <p>10 Q. Did you take any of that period off?</p> <p>11 A. Yes.</p> <p>12 Q. How many days did you take off?</p> <p>13 A. Probably -- I'm just going by memory of the</p> <p>14 cycle, what the cycles are like. Probably maybe</p> <p>15 three or four of the days.</p> <p>16 Q. Who was the doctor that signed off on this, if</p> <p>17 you know?</p> <p>18 A. I don't know who did -- I'm trying to think. It</p> <p>19 was a part of Dr. Rein's team so it would have</p> <p>20 been one of the doctors within his group. I</p> <p>21 can't read his signature so I really don't know.</p> <p>22 Q. Is the Brigham and Women's Hospital where you</p> <p>23 received your fertility treatments?</p> <p>24 A. Yes.</p>	<p>1 Q. And is this your application for salary</p> <p>2 continuance with Taylor during your FMLA leave?</p> <p>3 A. Yes. Now that I see the title on top, that's</p> <p>4 what it's referred to as.</p> <p>5 Q. All right. I'm handing you now what's been</p> <p>6 marked as Deposition Exhibit No. 6. Would you</p> <p>7 take a moment to review that, please?</p> <p>8 A. Okay.</p> <p>9 Q. Is that your signature on the last page of</p> <p>10 Deposition Exhibit No. 6?</p> <p>11 A. Yes.</p> <p>12 Q. Can you tell me what this is?</p> <p>13 A. This looks like a combination of office paperwork</p> <p>14 from Jansson for the leave that I took in</p> <p>15 October, 2001 and it also looks like a form that</p> <p>16 I believe Dr. Rein had to fill out and sign. So</p> <p>17 they're copies of both.</p> <p>18 Q. This was your Family and Medical Leave Act leave</p> <p>19 from October to November of 2001, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Do you claim that Jansson retaliated against you</p> <p>22 for taking this leave?</p> <p>23 A. No.</p> <p>24 Q. Did they impede or otherwise prevent you from</p>
<p style="text-align: center;">Page 99</p> <p>1 Q. Is that different from the North Shore Medical</p> <p>2 Center?</p> <p>3 A. Yes. It's a combination of two places. You go</p> <p>4 for part of your treatment in the North Shore.</p> <p>5 Dr. Rein's affiliated with Brigham and Women's so</p> <p>6 you actually do the part of the procedure, the</p> <p>7 surgical part of the procedure you actually do at</p> <p>8 Brigham's.</p> <p>9 Q. I'm handing you what's been marked as Exhibit No.</p> <p>10 4. Would you please review that?</p> <p>11 A. Okay.</p> <p>12 Q. Can you tell me what that is?</p> <p>13 A. This is a letter from Dr. Rein explaining a</p> <p>14 particular procedure that I was going to be going</p> <p>15 through during my next fertility cycle. And he</p> <p>16 was recommending that I medically -- for medical</p> <p>17 reasons take a particular amount of time off.</p> <p>18 Q. I'm handing you what's been marked as Deposition</p> <p>19 Exhibit No. 5. Would you take a moment to review</p> <p>20 that, please?</p> <p>21 A. Okay.</p> <p>22 Q. Is that your signature on the second page of</p> <p>23 Exhibit No. 5?</p> <p>24 A. Yes.</p>	<p style="text-align: center;">Page 101</p> <p>1 asserting your rights under the Family and</p> <p>2 Medical Leave Act for taking this leave?</p> <p>3 A. No.</p> <p>4 Q. On the second page of Exhibit 6, towards the</p> <p>5 bottom, it says "Paid benefits SCP." Do you know</p> <p>6 what that stands for?</p> <p>7 A. No.</p> <p>8 Q. Do you claim that Jansson did not fulfill any of</p> <p>9 its duties or obligations under the Family and</p> <p>10 Medical Leave Act when it granted you this leave?</p> <p>11 A. What was the first part of the question? Did I</p> <p>12 --</p> <p>13 Q. Are you claiming that Jansson failed to --</p> <p>14 MR. PALMQUIST: Could you read it back?</p> <p>15 I'm sorry.</p> <p>16 A. I just needed that first part.</p> <p>17 Q. Okay.</p> <p>18 A. I believe I want to say no but I just want to</p> <p>19 make sure.</p> <p>20 (Question read.)</p> <p>21 A. No.</p> <p>22 Q. Do you claim that Jansson took any adverse</p> <p>23 employment action against you for your having</p> <p>24 asserted or having taken this leave?</p>

Page 102	Page 104
<p>1 A. No.</p> <p>2 Q. I'm handing you what's been marked as Deposition 3 Exhibit No. 7. Take a moment to review that, 4 please, and let me know when you're done.</p> <p>5 A. Okay.</p> <p>6 Q. Can you tell me what this is?</p> <p>7 A. This is a complaint filed with the discrimination 8 board in Massachusetts.</p> <p>9 Q. And is everything in this Exhibit 7 true and 10 accurate to the best of your knowledge?</p> <p>11 A. Yes.</p> <p>12 Q. Is that your signature on the bottom of page one 13 of Exhibit 7?</p> <p>14 A. Yes.</p> <p>15 Q. And is that your signature -- I'm sorry. Strike 16 that. There is no signature. 17 I would like you to turn to page two of 18 Exhibit 7 and review paragraph number seven.</p> <p>19 A. Okay.</p> <p>20 Q. What led you to believe that it was medically 21 necessary for you to decrease your hours to a 22 four-day work week rather than the five or six 23 days that you had previously been working?</p> <p>24 A. In talking to my fertility specialist in regards</p>	<p>1 listing of comments that you allege Ms. Osoff 2 made to you on December 7th. And it's December 3 7, 2001; is that correct? Is this a typo?</p> <p>4 A. That's a typo.</p> <p>5 Q. Have we talked about all of those comments here 6 today?</p> <p>7 A. We've covered all of them.</p> <p>8 Q. On the last page of Exhibit 7, paragraph 12, you 9 claim that "Unable to endure Miss Osoff's tirade 10 of discriminatory comments and arbitrary pay cut, 11 I was constructively discharged from my 12 position." 13 Do you know what that means?</p> <p>14 A. Yes.</p> <p>15 Q. What does that mean to you?</p> <p>16 A. Well, I believe what it's saying here is Arlene's 17 comments to me being discriminatory between my 18 pregnant and my job and then between that and the 19 pay cut, that I was constructively discharged 20 from my position. I mean, it pretty much says it 21 right there.</p> <p>22 Q. What does "constructively discharged" mean to 23 you?</p> <p>24 A. Constructively discharged means that the</p>
Page 103	Page 105
<p>1 to my newly discovered pregnancy, I asked him to 2 give me an outline of the -- what to expect the 3 next couple of months. And he explained to me 4 that I would be considered a high-risk pregnancy 5 and that I needed to be careful, to take care of 6 myself. And as I said to you before, to be 7 responsible. 8 And that's when -- my husband was 9 present with me and he said that, you know, we 10 should discuss work. And I talked to Dr. Rein 11 about that. And he said that I was able to work 12 but to not go overboard. Just to be careful. 13 Because I wasn't quite out of the woods yet.</p> <p>14 Q. Did you tell Miss Osoff it was medically 15 necessary for you to work a four-day work week?</p> <p>16 A. I told her what Dr. Rein said. That we had 17 discussed it.</p> <p>18 Q. And Dr. Rein hadn't specifically ordered you to 19 work four days a week; is that correct?</p> <p>20 A. No.</p> <p>21 Q. No, that's not correct, or no, he didn't order 22 you to work four days a week?</p> <p>23 A. No. He didn't order me to work four days a week.</p> <p>24 Q. On the third and fourth pages of Exhibit 7 is a</p>	<p>1 situation at hand -- in other words, we couldn't 2 come to an agreement about what we were trying to 3 negotiate or compromise on.</p> <p>4 Q. And so you were justified in leaving?</p> <p>5 A. Yes. I wasn't actually fired but I was asked to 6 leave and to write my resignation.</p> <p>7 Q. Under paragraph 14, you claim that Jansson's 8 treatment of you constitutes discrimination on 9 the basis of gender and pregnancy. Have we 10 talked today about all of the allegations that 11 you claim constitute discrimination on the basis 12 of gender and pregnancy?</p> <p>13 A. Yes.</p> <p>14 Q. Are there any other allegations that you haven't 15 talked about here today that you are including in 16 your claim against the company?</p> <p>17 A. No.</p> <p>18 Q. Paragraph 14 also indicates that you believe that 19 Jansson's treatment of you constitutes a 20 violation of the Family and Medical Leave Act. 21 How do you claim Jansson violated the Family and 22 Medical Leave Act?</p> <p>23 A. Well, I'm not sure that I'm extremely well read on the Family and Medical Leave Act and I went</p>

Page 106	Page 108
1 through the guidance of my counsel on that.	1 certain date?
2 Q. But as you sit here today, you can't tell me any	2 A. Yes.
3 facts that lead you to believe that the company	3 Q. And this would have been contributed from the
4 violated the Family and Medical Leave Act with	4 company to your account?
5 regard to your situation; is that correct?	5 A. Yes.
6 A. Well, in not ensuring my position to be there for	6 Q. A sort of matching fund?
7 me when I come back from my maternity leave, I	7 A. Yes.
8 believe that there is some type of discrimination	8 Q. Is there any other element of damages that you
9 there.	9 are claiming in this matter?
10 Q. Did you ever take maternity leave?	10 A. No.
11 A. No, but it was on the table open for discussion.	11 Q. I'm handing you what's been marked as Patrick
12 Q. Paragraph 16 of Exhibit 7 indicates you claim you	12 Exhibit No. 8. It's a legal pleading dated
13 have suffered emotional distress and lost wages	13 October 24, 2002. And the last page of Exhibit 8
14 as a result of Jansson and Miss Osoff's treatment	14 is an affidavit of Laura E. Patrick dated October
15 of you. Have we talked about all the ways that	15 24, 2002. Is that your signature on the last
16 you claim to have suffered emotional distress	16 page?
17 here today?	17 A. Yes.
18 A. Yes.	18 Q. In paragraph one, you indicate, "At no time did I
19 Q. How much in lost wages are you claiming you have	19 request to change my position from an exempt
20 suffered as a result of Jansson and Miss Osoff's	20 position to a nonexempt position." Do you know
21 treatment of you?	21 what that means?
22 A. At least a year's salary.	22 A. No, because it's never been described to me in
23 Q. And what do you base that on?	23 that wording before.
24 A. I base that on from the time I left and my	24 Q. Do you know who makes determinations about exempt
Page 107	Page 109
1 aggressive job search through my pregnancy,	1 and nonexempt employment at Jansson?
2 during the time that my child was born and after.	2 A. I believe Arlene to make all those decisions.
3 I wasn't able to retrieve or bounce back from	3 Q. In paragraph three, you indicate, "Miss Osoff
4 that within that year. And still to this day.	4 never told me that all managerial and salary
5 Q. Any other lost wages you're claiming in this	5 positions at Jansson have built into their salary
6 matter?	6 structure an assumption of five to seven hours of
7 A. I'm not sure if it's considered wages but my	7 overtime."
8 401(k) I had invested in, I think there was a	8 Is that still an accurate statement?
9 technicality of dates and that I wasn't entitled	9 A. Yes, it is.
10 my matched amount so I'm asking for that.	10 Q. Is it your claim that she never told you anything
11 Q. Can you explain that to me a little bit? You had	11 about the assumptions that went into setting
12 an account and --	12 salaries for salary level positions?
13 A. Yes.	13 A. No.
14 Q. Your employer matched a certain amount?	14 Q. Paragraph four you indicate, "At no time did I
15 A. There was a certain amount vested after a certain	15 tell Miss Osoff that I wanted to decrease my
16 date and there was a discrepancy in the date. I	16 responsibilities."
17 think it was a matter of days.	17 Is that a true statement?
18 Q. How much was in the 401(k)?	18 A. Yes, it is.
19 A. You know, I don't remember offhand. It was	19 Q. Paragraph six, "I know the identity of the
20 several thousand. And then I believe there was	20 employee referred to as NL. Upon reducing her
21 around 2,000 that was -- that I lost because of	21 schedule, NL was tasked with the same exact --
22 that date change. And --	22 the exact same responsibilities she had before
23 Q. These are funds that would have been contributed	23 her reduction."
24 to the account if you remained employed to a	24 How do you know that?

	Page 110	Page 112
1	A. It was through my observation. And she was one 2 of the individuals that I wanted to speak to in 3 regards to that.	1 Q. You applied for unemployment benefits after you 2 left Jansson?
4	Q. I think we talked about -- this is Nicole Lee?	3 A. Yes.
5	A. Yes.	4 Q. And were they initially denied?
6	Q. And you never talked to her?	5 A. Yes.
7	A. No. I talked to her while she still worked at 8 Jansson because her office was right next to 9 mine.	6 Q. Why were they initially denied?
10	Q. Did you talk about her change from salary to 11 hourly while she was still working there?	7 A. I don't know the exact reason. I just know that 8 the impression I was getting is that the other 9 party, because of the response from the other 10 party, they made the decision that it would not 11 be covered.
12	A. I believe yes, we did. And she said that she was 13 in agreement but that when -- that she would be 14 doing less responsibility so I thought her pay 15 cut was because she had stepped down from her 16 position. But she had mentioned to me that she 17 was still doing the same work.	12 Q. And you appealed that decision?
18	Q. Did she complain to you while she was still 19 working there that she was still doing the same 20 work?	13 A. Yes, I did.
21	A. She made a statement to me once about it, which 22 is something that I had remembered, which is why 23 I wanted to talk to her to confirm.	14 Q. Did you have the help of an attorney?
24	Q. So when Arlene Osoff told you that your hourly	15 A. Yes, I did.
	Page 111	Page 113
1	wage was going to be different from what you 2 expected, that wasn't a surprise to you, was it?	1 A. Just the individual who was conducting the 2 hearing.
3	A. Yes, it was.	3 Q. What happened at the hearing?
4	Q. Yet you had seen other employees go from salary 5 to hourly and understood that their pay had 6 changed?	4 A. They had a set of questions that they asked me. 5 I answered them. And after we were finished, she 6 said she would make a decision and let me know.
7	A. It was my impression that it was because they 8 were doing less responsibility. In other words, 9 they stepped down from their original position.	7 Q. Okay. Do you remember any of the questions they 8 asked you?
10	Q. And the job you were proposing had fewer 11 responsibilities than the one that you performed 12 before you went out on leave; isn't that right?	9 A. Similar to yours.
13	A. No, it wouldn't.	10 Q. On page five of Exhibit 9, paragraph 33 alleges 11 that "Jansson's policy of arbitrarily pro rating 12 downward the hourly salary rate of employees 13 working less than 40 hours per week disparately 14 impacts females in violation of Massachusetts 15 General Law Chapter 151B."
14	Q. All right. I'm handing you now what's been 15 marked as Deposition Exhibit No. 9. It's a copy 16 of the complaint in this matter.	16 Do you know what that means?
17	Have you had a chance to review that?	17 A. I don't know exactly what Chapter 151B is. But 18 this policy that Arlene refers to seems to 19 directly affect the women in the company that 20 became pregnant and reduced their hours.
18	A. Yes.	21 Q. Why do you claim it only impacts people who are 22 pregnant?
19	Q. Have you seen that before?	23 A. Because the individuals that I have spoken to or 24 felt experienced this were all females.
20	A. I don't believe so. I'm not sure. A lot of 21 these statements have been discussed.	
22	Q. Is there anything in this document that we 23 haven't talked about yet today?	
24	A. I believe we've touched on everything.	

Page 114	Page 116
<p>1 Q. And those were Wendy, Anne and Nicole?</p> <p>2 A. Yes.</p> <p>3 Q. Anyone else?</p> <p>4 A. There are other women that experienced the same situation. Darlene, I can't remember her last name. And Lucia McDougall. All of which I was under the impression was taking on less responsibility, taking -- doing a different job. In turn, I thought their change in salary reflected that.</p> <p>11 MS. DEVER: I just ask, could we take another break? I know --</p> <p>13 MR. PALMQUIST: Sure.</p> <p>14 MS. DEVER: I don't know if you're reaching toward the end.</p> <p>16 MR. PALMQUIST: I am. I'm getting close. I'm getting very close.</p> <p>18 MS. DEVER: Okay.</p> <p>19 (Recess.)</p> <p>20 (Question and answer read.)</p> <p>21 Q. How do you know those individuals didn't have decreased responsibilities?</p> <p>23 A. I'm sorry. How did I --</p> <p>24 Q. How do you know that -- let's start with Wendy</p>	<p>1 Q. Who assigned the duties and responsibilities to her?</p> <p>3 A. Arlene.</p> <p>4 Q. How do you know Darlene's responsibilities were not reduced?</p> <p>6 A. She worked in customer service as well. And again, it was just my observation. I believe she was taking on extra responsibilities during somebody else's leave and then when it was her turn, she also was -- she was doing different responsibilities. So it was my impression through my observation that Darlene was doing less responsibility.</p> <p>14 Q. Okay. And I think we talked about Nicole Lee?</p> <p>15 A. Mm-hmm.</p> <p>16 Q. She told Wendy that her duties -- she didn't think her duties decreased? Is that correct?</p> <p>18 A. I don't know what she told Wendy. I know that she told Wendy that she would be willing to talk to me and we would work something out for all of us to meet. I think that's what we were trying to do is to meet.</p> <p>23 Q. You don't have any personal knowledge of what Nicole Lee's duties and responsibilities were in</p>
Page 115	Page 117
<p>1 Cantly.</p> <p>2 A. Mm-hmm.</p> <p>3 Q. Did not have decreased responsibilities.</p> <p>4 A. How did I know that Wendy didn't have --</p> <p>5 Q. Yes. After she came back from her leave.</p> <p>6 A. When I had talked to her over the phone, she said that she really was doing the same job. Pretty much the same tasks.</p> <p>9 Q. She told you?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Was that true for Anne as well?</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever talk to Lucia McDougall about that?</p> <p>14 A. No, not really. It was just an observation.</p> <p>15 Q. So no one told you that she was doing the same responsibilities? You just observed that you thought she was?</p> <p>18 A. Yes. And technically she was -- her title was taken away from her and assigned to someone else.</p> <p>20 Q. But you don't personally know what duties and responsibilities she had in her position, do you?</p> <p>22 A. I do because I worked closely with her.</p> <p>23 Q. Did you assign her duties and responsibilities?</p> <p>24 A. No. That wasn't my job.</p>	<p>1 her job, do you?</p> <p>2 A. No, just an impression of what they would be like because she worked for the commercial division customer service and since I was familiar with the setup of customer service, she was the manager and I understood what the structure of it was. And she had a very small office so she was still taking on the same responsibilities even after technically she was not the office manager there.</p> <p>11 Q. And you don't know what your duties and responsibilities would have been under your four-day work week because you never started that, did you?</p> <p>15 A. I knew what my responsibilities would be because I knew what my job was and what needed to be done.</p> <p>18 Q. But you never worked that four-day work week, did you?</p> <p>20 A. Obviously. We never got to that point.</p> <p>21 Q. Other than these examples that we've just talked about, are you aware of any facts that lead you to believe that Jansson's, quote, unquote, policy of pro rating downward the hourly salary rate of</p>

Page 118	Page 120
<p>1 employees working less than 40 hours per week has 2 a disparate impact on females? Any other facts 3 that leads you to believe that, other than those 4 examples that we've talked about?</p> <p>5 A. No.</p> <p>6 Q. Okay. Are you aware of any situations where this 7 policy was applied to males?</p> <p>8 A. No.</p> <p>9 Q. Would you make the same claim if the policy was 10 applied to males?</p> <p>11 A. Good question. I think I would -- I think it 12 would depend on if they were doing the same job. 13 If they were doing the same job, why should they 14 take a cut in pay just for doing the same job but 15 within different hours? If he was taking less 16 responsibility and doing a different job that was 17 valued at a less pay rate, then I could 18 understand that that applies.</p> <p>19 Q. But if it were applied to a man, then it wouldn't 20 be discriminatory, would it?</p> <p>21 A. I think it's discriminatory towards the position 22 as well. I am just familiar with it being with 23 women so it's -- it gives me the impression that 24 it really is a policy that seems to strongly</p>	<p>1 (Employee Acknowledgment marked Exhibit 2 No. 12.)</p> <p>3 Q. I'm handing you two documents marked Deposition 4 Exhibits 11 and 12. Deposition Exhibit 11 is a 5 copy of the employee handbook at Jansson 6 effective January 1, 2001. And Deposition 12, 7 Exhibit 12 is an acknowledgment form dated April 8 11, 2001.</p> <p>9 You don't have to look at the whole 10 handbook but if you could tell me if that's your 11 signature on Deposition Exhibit No. 12.</p> <p>12 A. Yes, it is.</p> <p>13 Q. And did you receive a handbook while you were 14 employed by Jansson?</p> <p>15 A. Yes.</p> <p>16 Q. Did you read it?</p> <p>17 A. Yes.</p> <p>18 Q. Does Deposition Exhibit 11 look like the handbook 19 you received? Take some time to look at it if 20 you need to.</p> <p>21 A. Without knowing the exact content of this, it 22 looks like a copy of it. It was a booklet.</p> <p>23 Q. Did you receive more than one handbook when you 24 were at Jansson?</p>
Page 119	Page 121
<p>1 discriminate women that happen to get pregnant.</p> <p>2 Q. All right. I'm handing you now what's been 3 marked as Deposition Exhibit No. 10. These are 4 some disclosures that your attorney made in this 5 case. Have you seen these before?</p> <p>6 A. I haven't actually seen this paperwork. I never 7 actually saw my personnel file. I did see the 8 correspondence between myself and Jansson 9 concerning the settlement demand and the charge 10 of discrimination. If that's what you're 11 referring to.</p> <p>12 Q. I'm just asking if you've seen this before.</p> <p>13 A. Okay.</p> <p>14 Q. Have you seen it before today?</p> <p>15 A. I haven't seen this actual paper.</p> <p>16 Q. Before today. Okay. Were you aware that Jansson 17 made an offer of reinstatement to you?</p> <p>18 A. Define "reinstatement."</p> <p>19 Q. Giving you your job back.</p> <p>20 A. Yes. Through Joel.</p> <p>21 Q. Why did you reject that?</p> <p>22 A. I didn't feel confident working for a company 23 that I felt didn't support me.</p> <p>24 Q. We're going to mark one more here.</p>	<p>1 A. Just this one.</p> <p>2 MR. PALMQUIST: I just want to take a 3 very short break. I think we're probably done.</p> <p>4 MS. DEVER: Okay.</p> <p>5 (Recess.)</p> <p>6 Q. Have we talked about all of the facts that 7 underlie your lawsuit against the company here 8 today?</p> <p>9 A. I believe we have.</p> <p>10 Q. Is there anything that you can think of before we 11 end that you are asserting that was unfair or 12 discriminatory or retaliatory by Jansson?</p> <p>13 A. We pretty much discussed it.</p> <p>14 MR. PALMQUIST: I have no further 15 questions.</p> <p>16 MS. DEVER: I have no questions.</p> <p>17 MR. PALMQUIST: Okay.</p> <p>18 (Whereupon, the deposition was 19 concluded at 2:36 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

Page 122

1 Excerpt from Rule 30(e):
 2 Submission to Witness; Changes; Signing.

3 When the testimony is fully transcribed,
 4 the deposition shall be submitted to the witness
 5 for examination and shall be read to or by
 6 him/her, unless such examination and reading are
 7 waived by the witness and by the parties. Any
 8 changes in form or substance which the witness
 9 desires to make shall be entered upon the
 10 deposition by the officer with a statement of the
 11 reasons given by the witness for making them.

12 *****

13 I, Laura Patrick, have examined the above
 14 transcript of my testimony and it is true and
 15 correct to the best of my knowledge, information
 16 and belief. Any corrections are noted on the
 17 errata sheet.

18 Signed under the pains and penalties of
 19 perjury this day of , 2005.

20 _____ Deponent's Signature
 21 On this day of , 2005, before
 22 me, the undersigned notary public, personally
 23 appeared , proved to me through
 24 satisfactory evidence of identification, which
 were , to be the person whose name is
 signed on the preceding or attached document, and
 who swore or affirmed to me that the contents of
 the document are truthful and accurate to the
 best of his/her knowledge and belief.

_____ Notary Public

My commission expires:

Page 123

1 COMMONWEALTH OF MASSACHUSETTS
 2 ESSEX, SS.
 3

4 I, Susan L. Prokopik, Registered Merit
 5 Reporter and Notary Public duly commissioned and
 6 qualified in and for the Commonwealth of
 7 Massachusetts do hereby certify that there came
 8 before me on the 25th day of January, 2005 the
 9 person hereinbefore named, who was satisfactorily
 10 identified by me and duly sworn to testify to the
 11 truth of her knowledge concerning the matters in
 12 controversy in this cause; that she was thereupon
 13 carefully examined upon her oath and her
 14 examination reduced to typewriting under my
 15 direction; and that the deposition is a true and
 16 accurate record of the testimony given by the
 17 witness.

18 I further certify that I am not
 19 interested in the cause of this action.

20 SUSAN L. PROKOPIK, RMR, CRR
 21 (CSR #124893)

22 My commission expires:
 23 April 15, 2005

32 (Pages 122 to 123)

KACZYNSKI REPORTING

9090b848-634f-47eb-be47-55f4720ab753